

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director / (954) 797-1101  
Prepared by: Roberta Moore, Planner I

**SUBJECT:** Variance, V 3-2-04, Town of Davie Oakes Road Fire Station, 4491 Oakes Road,  
Generally located west of State Road 7 / 441, east of Burris Road.

**AFFECTED DISTRICT:** District 1

**TITLE OF AGENDA ITEM:** V 3-2-04, Town of Davie Oakes Road Fire Station, 4491 Oakes Road (CF)

**REPORT IN BRIEF:** The subject site is approximately 1.13 acres in area. The applicant purchased the property to construct the new Town of Davie Oakes Road Fire / Rescue Station. The primary service area will be east of the Florida Turnpike including all adjacent major highways.

The variance application is to reduce the maximum building height of 35 feet in the CF, Community Facilities District to allow a building height of 39.9 feet; to reduce the landscape areas along the southern property line and the northern property line from 10 feet to 8.33 feet and 5.0 feet, respectfully; and to reduce the required landscape buffer adjacent to existing public rights of way for industrial and commercial districts from 20 feet to 5.48 foot.

The Town of Davie Fire / Rescue Department currently services 34 square miles of incorporated area, and six additional square miles via contract to the Town of Southwest Ranches and unincorporated Pine Island Ridge. Presently four fire stations service cover an average of 8.5 miles per station, almost twice that of the countywide average of 5.0 miles per station. Two additional fire stations were approved through a 2003 bond issue which will reduce the average square miles to less than 6 miles per station and improve coverage townwide. This is the first of the two stations that are scheduled to be built.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the Planning and Zoning Board meeting of June 9, 2004, Mr. Stevens made a motion, seconded by Ms. Lee, to approve. Motion carried 4-1 with Mr. McLaughlin being opposed (as it varied more than 20% from the Code).

*NOTE: Both Vice-Chair Turin and Ms. Lee asked that it be noted that the Town should be more cognizant about its planning in the future if it expected other applicants to comply with the Code.*

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):** Planning Report, Justification, Survey, Land Use Map, Zoning and Aerial Map

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning and Zoning Division**  
*Staff Report and Recommendation*

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**Applicant Information**

**Owner / Petitioner:**

**Name:** Town of Davie  
**Address:** 6591 Orange Drive  
**City:** Davie, FL 33314  
**Phone:** (954) 797-1000

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**Background Information**

**Date of Notification:** May 20, 2004      **Number of Notifications:** 25

**Application History:** No deferrals have been requested.

**Planning and Zoning Board Recommendation:** This item was approved at the June 9, 2004 meeting. Motion carried 4-1, Mr. McLaughlin opposed.

**Application Request:** Variance

**FROM:** Section 12-83 of the Land Development Code which requires a maximum building height of 35 feet in the CF, Community Facilities District. **TO:** Allow a building height of 39.9 feet. **FROM:** Section 12-108 (C) (1) which states that no landscape area shall have any dimension less than 10 feet. **TO:** Allow a landscape area that is 8.33 feet which is located along the northern portion of the property. **FROM:** Section 12-107 (D) (5) (a) which requires a landscape buffer adjacent to existing public rights of way for industrial and commercial districts shall be 20 feet wide for arterial and collector streets. **TO:** Allow a 5.48 foot landscape buffer area along State Road 7 / 441. **FROM:** Section 12-108 (C) (1) which states that no landscape area shall have any dimension less than 10 feet. **TO:** Allow a landscape area that is 5.0 feet which is located along the southern portion of the property.

**Address/Location:** 4491 Oakes Road/ Generally located west of State Road 7 / U. S. 441, east of Burris Road.

**Future Land Use Plan Designation:** Industrial

**Zoning:** CF, Community Facilities District

**Existing/Proposed Use:** Vacant / Town of Davie Fire / Rescue Station

**Parcel Size:** Approximately 1.13 acres (49,188 square feet)

|               | <b><u>Surrounding Uses:</u></b> | <b><u>Surrounding Land Use Plan Designation:</u></b> |
|---------------|---------------------------------|--|
| <b>North:</b> | United Rentals, Self Storage    | Industrial   |
| <b>South:</b> | Lake                            | Industrial   |
| <b>East:</b>  | State Road 7 / U. S. 441        | Transportation                                       |
| <b>West:</b>  | G. S. Equipment                 | Industrial   |

|               | <b><u>Surrounding Zoning:</u></b>                           |
|---------------|---|
| <b>North:</b> | M-3, Intense Manufacturing and Industrial District (County) |
| <b>South:</b> | M-3, Planned Industrial Park District (Hacienda Village)    |
| <b>East:</b>  | B-3, Intense Commercial Business District (County)          |
| <b>West:</b>  | M-3, Planned Industrial Park District (Hacienda Village)    |

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### **Zoning History**

Town Council approved on March 17, 2004, Ordinance 2004-9, to rezone the property from M-3, Intense Manufacturing and Industrial District (County) and B-3, Intense Commercial Business District (County); to CF, Community Facilities District.

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### **Applicable Codes and Ordinances**

Section 12-83 of the Land Development Code which requires a maximum building height of 35 feet in the CF, Community Facilities District.

Section 12-108 (C) (1) of the Land Development Code which states that no landscape area shall have any dimension less than 10 feet.

Section 12-107 (D) (5) (a) of the Land Development Code which requires a landscape buffer adjacent to existing public rights of way for industrial and commercial districts shall be 20 feet wide for arterial and collector streets

Section 12-108 (C) (1) of the Land Development Code which states that no landscape area shall have any dimension less than 10 feet.

Section 12-309, Review criteria for variances.

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### **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive,

together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated Industrial on Nova Drive.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 58.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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## Application Details

The subject site is approximately 1.13 acres in area. The applicant purchased the property to construct the new Town of Davie Oakes Road Fire / Rescue Station. The primary service area will be east of the Florida Turnpike including all adjacent major highways.

A 39.9 feet two-story, 15,531 square foot building is proposed on the subject site. This variance application proposes to allow the building height to exceed the maximum height that is permitted in the CF, Community Facilities District which is 35 feet. The ground floor will contain offices, kitchen and a day room. An area for the Community Policing Office is also provided. The ground floor is divided into 2,927 square feet of offices and living areas, 1,217 square feet of storage and 6,087 square feet in the apparatus bay. The second floor is 3,767 square feet and contains the sleeping rooms, physical fitness room and restrooms.

This variance application also requests to reduce the minimum landscape area from 10 feet to 8.33 feet on the northern property line, reduce the minimum landscape area from 10 feet to 5 feet on the southern property line and reduce the minimum landscape buffer adjacent to right-of-way from 20 feet to 5.58 feet on the eastern property line, adjacent to State Road 7 / 441.

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## Staff Analysis

The subject site is approximately 1.13 acres in area. The applicant purchased the property to construct the new Town of Davie Oakes Road Fire / Rescue Station. The primary service area will be east of the Florida Turnpike including all adjacent major highways.

A 39.9 feet two-story, 15,531 square foot building is proposed on the subject site. The ground floor will contain offices, kitchen and a day room. An area for the Community Policing Office is also provided. The ground floor is divided into 2,927 square feet of offices and living areas, 1,217 square feet of storage and 6,087 square feet in the apparatus bay. The second floor is 3,767 square feet and contains the sleeping rooms, physical fitness room and restrooms.

## Findings of Fact

### Variances:

#### **Section 12-309(B) (1):**

**The following findings of facts apply to the variance request:**

- (a) There may be a special circumstance or condition applying to the land or building for which the variance is sought, which circumstance or condition is peculiar to such land or building and does not apply generally to land or building in the same district;

*The variances requested are the minimum required in order to build a fire station of this size to service the surrounding area. It is necessary for the site to be developed as the Town of Davie Oaks Road Fire/Rescue station as a matter of the public's safety, health and welfare.*

and that said circumstance or condition may be such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought;

*The strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building. It is necessary for the variance to be approved in order for the site to be developed as the Oakes Road Fire / Rescue Station,*

and the alleged hardship may not be self-created by persons having an interest in the property.

*It is in the Town's interest to build a Fire / Rescue Station on the property. The alleged hardship may not be considered self-created.*

- (b) Granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested may not be the minimum variance that will accomplish this purpose.

*The applicant can not achieve reasonable use of the land without a variance due to the design, program, and fire truck turning radii, and as such the variance is the minimum needed.*

- (c) Granting of the requested variances may be in harmony with the general purpose and intent of this chapter and may not be injurious to the neighborhood or otherwise detrimental to the public welfare.

*The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person's proposal. Allowing the building height to exceed the maximum height permitted and allowing the minimum landscape areas and landscape buffer to be reduced will not be detrimental to the neighborhood since the adjacent properties are existing and a Fire / Rescue Station is needed in the east side of Town to service the industrial section of Town and the adjacent roadways. Therefore, granting of the requested variance may not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

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### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

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### **Planning and Zoning Board Recommendation**

At the Planning and Zoning Board meeting of June 9, 2004, Mr. Stevens made a motion, seconded by Ms. Lee, to approve. Motion carried 4-1 with Mr. McLaughlin being opposed (as it varied more than 20% from the Code).

*NOTE: Both Vice-Chair Turin and Ms. Lee asked that it be noted that the Town should be more cognizant about its planning in the future if it expected other applicants to comply with the Code.*

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### **Exhibits**

1. Justification
2. Survey
3. Land Use Map
4. Zoning and Aerial Map

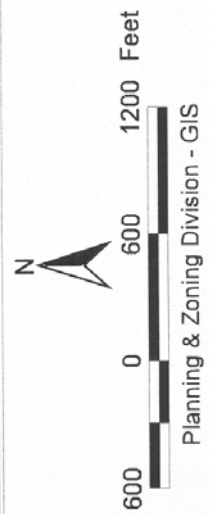
Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



# Variance Application V 3-2-04 / Oaks Road Fire Station Future Land Use Map

Prepared By: D.M.A.  
Date Prepared: 02/06/04





**Variance Application**  
**V 3-2-04 / Oaks Road Fire Station**  
**Subject Site, Zoning, & Aerial Map**

Prepared By: D.M.A.  
 Date Prepared: 02/06/04

